

**REMARKS**

Claims 1-37 are the only active claims pending in this application. The foregoing separate sheets marked as "Listing of Claims" show all the claims in the application, each with an indication at its first line showing the claim's current status.

The Office Action rejects claims 1 - 37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,029,045 ("Picco") in view of U.S. Publication No. 2007/0124794 A1 ("Marko"). Office Action at pp. 2-11.

Applicant respectfully traverses the rejection.

Applicant's invention and all of its claimed embodiments include a repeater receiving a broadcast program content, receiving requests from user video systems for viewing the program content, sending advertising content to the video systems from which the requests are received, measuring the effect of the advertising based on the number of the video systems viewing the advertising, and then rebroadcasting the program content to the users if, and only if, the measured advertising effect meets a given target effect.

According to Applicant's invention and all of its claimed embodiments, if the measured advertising effect is not met the repeater does not rebroadcast the program content.

Stated differently, Applicant's invention and all of its claimed embodiments define a repeater that conditionally rebroadcasts the program content to the users' video systems, based on whether or not the measured advertising effect of the advertising content meets the given target effect. As described and claimed, if the condition is not met the repeater does not rebroadcast the program content to the users.

The primary reference cited by the Office Action, Picco teaches a method and system for adding local content and user-specific content to programs received from a central source and distributed over a wide geographic area. Picco teaches adding the local content and user-specific content by compressing the program received from the central source to a bandwidth than the capacity of the channel connecting

to the user, and adding local content and user-specific content to the compressed program, and sending the combination to the user.

Picco's method and system does not disclose or suggest anything equivalent to a repeater conditionally rebroadcasting a program content to users.

Picco in fact does not teach or suggest anything equivalent to conditionally rebroadcasting a program content to users. Picco's method and system always provides the originally broadcast program content, i.e., the live feed, to all of the users. Picco's method and system simply adds to the originally broadcast program, for different users, different local content and different user-specific content.

Further, Picco does not disclose anything of, or equivalent to, receiving a request from users to view a program content, broadcasting an advertising content to the requesting users, measuring an advertising effect based on the number of the users viewing the advertising content, and then rebroadcasting the requested program to the users only if the measured advertising effect meets a predetermined target effect.

The Office Action states that Picco at column 14, lines 55-57, discloses "rebroadcasting the program contents to the connected audiovisual systems only when the measured advertisement effect meets a predetermined target advertisement effect." Office Action, at pp. 3, 6, 7, 9.

Applicant respectfully submits that Picco does not disclose the subject matter stated by the Office Action.

Picco at column 14, lines 55-57, recites: "[t]he system may also generate statistics about the user ... and sell local content space to advertisers based on these statistics." Read along with Picco's entire disclosure, the cited passage describes generating the statistics of the user and adding local content, specifically tailored to that user, to the original program sent to that user. Picco does *not* disclose the generated statistics as determining whether or not the user receives the original program. Picco instead teaches selling generated statistics to third parties, for the third party to add specific local content to the original program that is sent to the user. This teaches nothing of, or toward, Applicant's claimed invention.

Applicant submits that reading Picco in its entirety, and comparing it to Applicant's base claims 1, 4, 6, 9, 11, 14, 17, 20, 23, 24, 27, 28, 29 and 30, the difference between Applicant's claims and Picco is at least:

Rebroadcasting a program content to users by: sending advertising content to the user video systems from which requests to view the program content are received, measuring the effect of the advertising based on the number of the video systems viewing the advertising, and then rebroadcasting the program content to the users if, and only if, the measured advertising effect meets a given target effect.

Marko, the secondary reference relied on by the Office Action, discloses *nothing* showing that closing these differences between Applicant's base claims 1, 4, 6, 9, 11, 14, 17, 20, 23, 24, 27, 28, 29 and 30 and Picco to be obvious to a person of ordinary skill in the art at the time of the invention.

As a preliminary matter, Applicant notes that Marko does not qualify as a prior art reference. Marko has an effective filing date of October 25, 2000, which is approximately six (6) months after the foreign priority date of the present application.

Applicant submits, however, that Marko's filing date is not relevant to the patentability of Applicant's claims, because Marko discloses nothing showing obviousness of the differences between Picco and any of Applicant's claims.

First, Applicant's specification already states that repeaters per se are known. *See* Applicant's specification at p. 2, lines 5-12. adds nothing to Picco with respect to Applicant's invention.

Second, Marko does not teach, disclose or suggest anything of:

Rebroadcasting a program content to users by: sending advertising content to the user video systems from which requests to view the program content are received, measuring the effect of the advertising based on the number of the video systems viewing the advertising, and then rebroadcasting the program content to the users if, and only if, the measured advertising effect meets a given target effect.

Applicant respectfully requests, for the reasons identified above, that the rejection of claims 1 – 37 be reconsidered and withdrawn.

**Conclusion**

In view of the foregoing, Applicant respectfully requests that claims 1 -37 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laurence E. Stein", written in a cursive style.

Laurence E. Stein  
Reg. No. 35,371

Whitham, Curtis, Christofferson and Cook, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190  
Tel. (703) 787-9400  
Fax. (703) 787-7557